



## RAILROAD TRANSPORTATION SAFETY DISTRICT

Board Meeting

Tuesday, March 13, 2012

Meeting Began At: 8:15 a.m.

Meeting Ended At: 9:30 a.m.

Members Present: Deb Schorr, Doug Emery, Adam Hornung, Brent Smoyer, Larry Hudkins, DiAnna Schimek

Members Absent: None

Others Present: Roger Figard, Tina Queen, Susie Filipi, Liz Thanel, Bill Kutilek, Rick Haden, Harlan Layton, Gary Irvin, Silas Clarke, Dave Dykmann

### **Order No. 12-01 Call Meeting to Order. Approval of Previous Minutes.**

Schorr called the meeting to order.

Hudkins motioned to approve the previous minutes. Emery seconded the motion. Motion approved 6-0.

### **Order No. 12-02 Statement of Receipts & Disbursements & Investment Detail.**

Thanel presented the statement of receipts and disbursement and investment detail. Things are proceeding according to budget. Interest is much higher because all of the budgeted money hasn't been spent.

Hudkins asked about current balance and current interest rate.

Thanel replied \$358,000 in cash and investments are at \$14.7 million. The rate varies. Thanel is starting to invest money two years out with rates at .8 or 1%.

Schimek asked to Thanel to talk about disbursements.

Thanel replied that according to State Statute, the commission rights for the Treasurer's office are all set up in statute. The property taxes that are collected for the RTSD has a 2% commission. There are other taxes and in lieu of tax amounts that are collected, generally 1%. The \$49,000 actual that is seen on the report is almost all commission. Operating costs includes Roger's salaries, support staff salaries, office salaries, legal fees, accounting and auditing fees, etc. The construction projects are the projects going on for the RTSD.

Hudkins stated that the County might not be able to fund the RTSD at the full levy.

Schimek motioned to approve the statement of receipts, disbursements and investment detail. Hudkins seconded the motion. Motion approved 6-0.

**Order No. 12-03/12-04      Current Budget Status, Project Updates, Committee Updates.  
Draft 2012 - 2012 Budget & CIP.**

NCUTCD - At the last meeting, the committee continued to work on updates made to the Manual on Uniform Traffic Control Devices. The new manual is expected to come out in 2014. This committee makes recommendations to the Federal Highway Administration. The next meeting this summer is in Orlando, Florida. Figard appreciates the Board's support to be on this committee.

The budget will be approved at the June meeting. Also the Board will decide on what levy to request from the County Board.

Operating Expenses - Under budget. The District is required to pay a percentage of the Executive Director's salary. Last year it was a little over \$40,000 so the budgeted amount has been increased to \$45,000. The RTSD will be charged exactly 25% of the salary. Clerical services remain the same. Legal and accounting/auditing services are retained outside of the City. Accounting was increased \$1,000.

Crossing Improvements - Budget will remain the same, \$250,000 for the City and \$50,000 for the County.

Markings at railroad crossings need to meet code. A list was handed out that included a series of locations within the City of Lincoln in which the railroad markings need to be increased. There is a list that City staff can do and another list that needs to be done by a contractor. There is also information from the MUTCD that shows the type of markings and crossings that need to be done. The City side totals about \$140,000. The County has gotten a grant from the Nebraska Department of Roads to improve these markings in the County. Therefore they do not need RTSD money.

91<sup>st</sup> and Yankee Hill - Haven't spent any money. Holding the money for gates and lights.

West Pioneers - The County and the State are working on improving the crossing. The \$20,000 is the local share that the RTSD would pay for the County.

Harris Overpass - Done. Still struggling to get the final bills with the Railroad and some others. Figard believes there will be some returned dollars when it's all done.

West Haymarket - There is a plan for the continued improvement at M and N Streets. As part of that project, the District had budgeted up to \$300,000 to help remove all the old tracks in 8<sup>th</sup> Street all the way down past 3<sup>rd</sup> and J. This work probably won't get done before the end of this fiscal year. The money will be carried over to the next year for reimbursement. Figard expects a request to help pay for some chain link fencing that would be installed between roadways and railroad tracks to keep people from trespassing. This could cost around \$250,000.

68<sup>th</sup> & Hickman - The bridge is done. The County has asked the RTSD to put a little money in this budget to pay final bills from the railroad. The project came in under budget and there could be a refund coming to the RTSD.

Southwest 40<sup>th</sup> - The budget has been increased to \$9 million.

Salt Creek Railroad Underpass - This is part of a trail's project on the east bank of Salt Creek just east of Hobson Yard, west of 1<sup>st</sup> Street. The NRD finally got a grant and is making some progress on an

agreement with the railroad. The RTSD would pay the local share which has gone down from \$125,000 to \$50,000.

Miscellaneous Engineering - Normally carry \$100,000 for things that may come up. Have been working on trying to figure out the cost for a sidewalk project on Old Cheney west of 6<sup>th</sup> Street. Figard does not have a cost estimate and is struggling to get an agreement from the railroad. He will try hard to have some more information at the June meeting to vote on this issue. There is no sidewalk crossing the BNSF tracks. The sidewalk would connect Hunts Drive to the Wilderness Park trail.

BNSF 33<sup>rd</sup> to 70<sup>th</sup> Quiet Zone - \$6,900 to pay railroad bills for unfinished work.

Hickman Feasibility Study - Done. A line item is shown for \$1.405 million for a proposed quiet zone.

Hudkins asked about the operating expenses. He asked why the accounting and auditing budget went up \$1,000 and why management services has a 10% increase.

Figard replied that it was done only so the budget wouldn't have to be adjusted if the actual costs went over. The management service is a budgeted amount. The District gets charged 25% of Figard's salary. In 2010/2011 the amount paid out was \$40,539. Figard will re-adjust to be closer to the 25% of his projected 2012/2013 salary.

Rick Haden with Felsburg Holt and Ullevig was selected to do the Hickman Feasibility Study. The study covers the area from 68<sup>th</sup> Street up to a ½ mile north of Hickman Road. It includes a public crossing at 2<sup>nd</sup> Street, a private crossing to an acreage just north of 2<sup>nd</sup> Street, Hickman Road crossing and an agricultural field access a ½ mile north of Hickman Road. The southeast end of the corridor is anchored by the new railroad viaduct at 68<sup>th</sup> Street. Railroad grade separations are the safest way to create a quiet zone as well as a safety improvement. The 68<sup>th</sup> Street viaduct does include a private field access on the east side. In conversations with BNSF, it was indicated that locomotive horns are not routinely sounded at that private crossing.

The first public crossing is at 2<sup>nd</sup>. It is also the access to the park. The recommended crossing improvement will cost about \$270,000 to include four quadrant gates and a sidewalk on the south side of the crossing to provide access to the park.

The next crossing to the north is a private crossing to the acreage. The crossing has a slight hump in it. It is currently protected by stop signs and crossbucks. The recommendation is to improve the approach to the crossing and upgrade the signing at the crossing.

Hickman Road is heavily used. It includes very flat and wide shoulders that are used frequently by agricultural equipment. The improvements would include upgrading railroad circuitry, widening the roadway, providing raised medians, relocating the railroad gate arms, and doing some culvert work. Total cost of these improvements is \$450,000.

The last improvement is the field access north of Hickman Road. It provides access for farms within the area. To upgrade the crossing similar to the same treatment as the private acreage crossing, it would run about \$10,000.

A stakeholder meeting was held in January with each of the property owners. There were follow-up discussions as well. A public information was also held at the City of Hickman on January 17, 2012 with 20 people attending. The total cost is \$730,000 and would take approximately two years to finish.

Just because a quiet zone is established, the locomotive engineers are permitted and for liability reasons, required to sound their horns if there are workers, pedestrians or equipment next to or on the tracks.

Emery asked if there was any thought given to re-routing the entrance to the park off Hickman Road.

Hudkins asked if the railroad has any obligation to pick up any of the costs.

Haden replied that the circuitry meets the requirements for the flashers and gates, but not for a quiet zone. There is no obligation on the railroad's part.

Silas Clark, the City Administrator for the City of Hickman, stated that they did not have success with either property owner on re-routing that entrance off Hickman Road.

Haden added that the property owners indicated that they aren't bothered by the locomotives. The property owners would like to stay there until retirement and are very happy with the acreage. Condemnation would be the only option in both cases.

Emery and Hudkins both stated that fixing this issue now would be the best option instead of throwing money to temporarily fix the problem.

Clark stated that the intersection will have the four gate system because of the safety concerns of the future double track.

Haden added that if gates had to be moved because of an additional track, it would be at the railroad's expense, dependent on timing.

Hudkins asked what the local people feel would be the best thing to do.

Dave Dykmann, Hickman City Councilperson, replied that those 65 or older don't care. The younger people care and won't buy any lots until this is resolved. There is only one entrance to the park, service department, dump and recycling center. It will be safer to have everyone cross on 2<sup>nd</sup> Street where people are watching each other.

Emery's concern isn't cars, it's pedestrians. Maybe there is something that can be done with a pedestrian bridge.

Figard stated that if the Board approves the project, a firm would need to be selected to start on the design and agreements.

Hudkins asked if Figard had discussed this budget with Dennis Meyer.

Figard replied yes. The District is not cash poor. The levy and the money coming in is more important to the future projects.

Schimek asked how much a pedestrian bridge would cost and if it's feasible.

Figard replied it would be expensive, maybe in the millions. The railroad has a lot of working area on the south side of the tracks. There are propane tanks and other miscellaneous items to the east of the crossing. The possibilities would have to be explored.

Schorr stated that those possibilities and the implications they would have on the budget should be explored and discussed at the next board meeting.

Figard stated that it is time for the RTSD to start looking at its next potential project. The State collects money from the major railroads. They determine where to spend that money based on an exposure factor. This is simply the number of cars crossing a railroad track times the number of trains per day. Anything over an exposure rate of 50,000 per day is eligible for their money. Figard is proposing a possible project up for discussion at 33<sup>rd</sup> and the BNSF crossing and 35<sup>th</sup> and Adams. There is between 10,000 to 13,000 cars per day on those two arterial streets. If there were only 40 trains per day, that would be an exposure rate of one million per day. Because of that number, this would be a high priority project for the Nebraska Department of Roads to partner with the RTSD and the Railroad.

The goal would be to close 33<sup>rd</sup> and 35<sup>th</sup> and Adams. There would now have to be a way for the traffic to get to Cornhusker Highway or to get onto Adams. There is a draft concept that would take 33<sup>rd</sup> Street and curve it to the northwest, go over the railroad tracks and come back down into a pair of roundabouts that would connect and come down to Salt Creek Roadway into downtown. In the long range plan there is a proposed plan to connect 33<sup>rd</sup> Street up to Superior. This project is looking at independent utility to close the two tracks and connect 33<sup>rd</sup> and Adams into that Cornhusker Highway system. Traveling westbound on Adams Street, a roadway would be constructed paralleling the tracks and elevate up and connect up to the 33<sup>rd</sup> Street connection. Cornhusker itself would go up over the roadways at this point. The safety and capacity would be improved of that connection.

Dead Man's Run has a significant master plan for improvements. There is a \$50 million flood control project that is part of the long range plan. Watershed Management could bring some funding. Figard is convinced that this project is one that the RTSD should campaign to pay for 50% of the construction costs. Cornhusker Highway is also US Highway 6 so NDOR could be asked for bridge funds. The railroad will be interested in this project because two high traffic volume crossings would be closed.

The City of Lincoln paid for this engineering study. The top 15 years of the CIP show a full project cost would be estimated at \$77 million inflated out to build that over about ten years. The first six years of the CIP and as part of the budget handed out shows the estimated six years it would take to do the planning, environmental and buy right-of-way. The District by itself cannot afford the top example.

Figard's recommendation is if the District would move ahead with this kind of project, the lower half of the sheet shows the RTSD picking up 100% of the planning, engineering, environmental and right-of-way costs. This shows a commitment to the community to do this project. The construction costs would be a 50% RTSD cost. Between the railroad and the NDOR, the RTSD could ask for the other 50%. The District with its current levy could cash flow that. The levy shows \$13 million in the bank at the end of six years. This is only a concept idea. There would be a long, very dedicated public process getting together with people.

Hudkins asked about the new road that comes into Carhill Grain. Is that an overpass over Dead Man's Run or a bridge?

Figard replied that is a bridge over the creek.

Hudkins stated that this area during harvest time is stacked double with trucks.

Figard stated that a roadway built through this area is going to affect the businesses and their operation. That would be a significant part of the discussion. He added that the 33<sup>rd</sup> Street extension to Superior

is part of the long range plan and has a whole different set of priorities. The cost of this study was \$25,000.

Schorr asked that if the RTSD were to allocate the \$1 million proposed in the upcoming fiscal year, how would those funds be used.

Figard replied that an RFP would go out for the engineering and environmental work to take this concept and to further study it. Figard took a round number to see if the RTSD could afford it. Figard will run a cash flow and get it to the Board.

Figard stated that he had received a letter from Denton. Bill Kutilek reviewed that letter and will give an update.

Bill Kutilek with Crosby Guenzel stated that Roger received a letter from Denton raising three issues regarding the BNSF track that borders on the east and south sides with crossings at West Denton Road and Southwest 98<sup>th</sup>. The first issue was the length of time the Railroads were blocking the crossings. The second issue was regarding the right-of-way along the BNSF track. In 2010 there was a derailment and in the clean up process, some materials/debris were left. The third issue was about smoothing or maintenance of the crossings. With issue one, the administrative code does prohibit blocking crossings for a specific amount of time except in certain situations. If there are concerns, those need to be addressed to the Nebraska Department of Roads. We will assist Denton in getting that information. With issue two, Kutilek contacted the Transportation Department of the Public Service Commission and found the personnel responsible there can assist Denton with this issue. With issue three, this will be dealt with the Nebraska Department of Roads and the County Engineer and if warranted, Roger may be tapped with some issues and may come to the Board a project in respect to that.

**Order No. 12-05 Petitions/Letters/Requests.**

N/A

**Order No. 12-06 Non-Agenda Items.**

Dave Dykmann thanked the Board for listening to the issues going on in Hickman and offered any tours needed for the Board Members.

Hornung motioned to adjourn the meeting. Hudkins seconded the motion. Motion approved 6-0.

Prepared by: \_\_\_\_\_  
**Tina Queen, Engineering Services**